

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 16, 2003. In order to advance prosecution of this case, Applicants amend Claims 3, 4, 6-9, 12-17, 20-29, and 48. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 2-6, 8-9, 11-14, 16-17, 19-23, 25-29, 31, 33, 35, 37, 39, 41, 43, 45, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,195,090 issued to Bolliger et al. ("*Bolliger*") in view of U.S. Patent No. 5,193,087 issued to Lichtash et al. ("*Lichtash*").

As amended, Claim 3 recites:

In a TDM network having a plurality of switchable paths to a common destination, a method comprising:

receiving TDM traffic as a plurality of copies of traffic from a traffic source routed along a plurality of predetermined paths originating at the traffic source, each one of said paths having a receive circuit;

configuring a TDM switch to provide a route to a common destination for each one of the paths;

determining a qualified copy of the traffic;
and

discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch for routing to a common destination, wherein determining comprises detecting a loss of a keep-alive signal at one of the respective receive circuits.

Bolliger fails to disclose "receiving TDM traffic from a traffic source as a plurality of copies routed along a plurality of predetermined paths originating at the traffic source." *Bolliger* discloses a digital radio-telephone which

may make a call from any geographic location within a cell. Col. 7, ll. 17-21. This geographic location will determine the path the signal will travel to cell 202. Consequently, *Bolliger* clearly does not teach "predetermined paths" Moreover, the "paths (207)" referenced by the Examiner (*Office Action*, p. 3) do not originate at "traffic source (203)" (*FIGURE 2*). Thus, *Bolliger* also does not teach paths "originating at the traffic source."

Furthermore, as noted by the Examiner (*Office Action*, p. 3), *Bolliger* fails to disclose "detecting a loss of a keep-alive signal at one of the respective receive circuits" as taught by Claim 3. The Examiner attempts to cure this omission by combination with *Lichtash*. However, combination with *Lichtash* is inappropriate for these purposes.

Lichtash discloses an electronic digital signal cross-connect system, col. 1, ll. 13-18. Moreover, *Lichtash* discloses a wired system. Col. 1, ll. 11-36. *Bolliger* discloses the transmission of multiple copies of traffic only during a soft-handoff, col. 20, ll. 63-66, which is defined as a situation in which "a mobile radio-telephone that is crossing from one cell zone to another may sometimes find itself communicating with two cells on the same radio channel at the same time." Col. 2, ll. 29-32. Such a situation would never arise in a wired system. Thus, combining the wireless system of *Bolliger* with the wired system of *Lichtash* would eliminate the entire impetus *Bolliger* provides for transmitting multiple copies of traffic. As a result, there is no motivation for combining *Bolliger* with *Lichtash* in the manner suggested by the Examiner. Because neither *Bolliger* nor *Lichtash* disclose every element of Claim 3, Claim 3 is allowable. For at least these reasons, Applicants

respectfully request reconsideration and allowance of Claim 3 and its dependents.

As amended, Claim 4 teaches:

In a TDM network having a plurality of switchable paths to a common destination, a method comprising:

receiving TDM traffic from a traffic source as a plurality of copies of traffic routed along a plurality of predetermined paths originating at the traffic source, each one of said paths having a receive circuit;

configuring a TDM switch to provide a route to a common destination for each one of the paths;

determining a qualified copy of the traffic; and

discarding all copies of the traffic except for the qualified copy such that only the qualified copy is passed to the TDM switch for routing to the common destination, wherein determining is based upon the following criteria:

alarm indication signal (AIS),

loss of pointer (LOP), or

missing terminating circuit card; thereafter

bit error rate (BER) exceeding approximately 10^{-3} in the path; thereafter

signal degradation (SD) resulting from a BER exceeding approximately 10^{-9} .

Bolliger fails to disclose "receiving TDM traffic from a traffic source as a plurality of copies of traffic routed along a plurality of predetermined paths originating at the traffic source. . . ." as taught by Claim 4. As discussed above with respect to Claim 3, *Bolliger* discloses a digital radio-telephone which may make a call from any geographic location within a cell. Col. 7, ll. 17-21. This geographic location will determine the path the signal will travel to cell. Additionally, paths 207 of *Bolliger* do not originate at traffic source 203. Consequently, *Bolliger* does not teach "receiving . . . along a plurality of predetermined paths originating at the traffic source."

Additionally, as noted by the Examiner, *Bolliger* fails to teach "an alarm indication signal." *Office Action*, p. 5. Although the Examiner attempts to correct this omission by combining *Bolliger* with *Lichtash*, as noted above the combination of *Bolliger* and *Lichtash* for these purposes is not appropriate. Because neither *Bolliger* nor *Lichtash* disclose every element of Claim 4, Claim 4 is allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 4 and its dependents.

Although of varying scope, Claims 6, 12, 13, 14, 20, 21, 23, 27, 28, 29, and 48, all contain elements, that for reasons substantially similar to those discussed with respect to Claims 1 and 4. For at least these reasons Claims 6, 12, 13, 14, 20, 21, 23, 27, 28, 29, and 48 are allowable. Applicants thus request reconsideration and allowance of Claims 6, 12, 13, 14, 20, 21, 23, 27, 28, 29, and 48 and their dependents.

Claims 7, 15, 24, 30, 32, 34, 36, 38, 40, 42, 44 and 46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,903,371 issued to Arecco et al. ("Arecco") in view of *Bolliger* and *Lichtash*. Claims 7, 15, 24, 30, 32, 34, 36, 38, 40, 42, 44 and 46 all depend from claims that have been shown above to be allowable and thus are allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 7, 15, 24, 30, 32, 34, 36, 38, 40, 42, 44 and 46.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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